

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

VINEYARD ENTERTAINMENT LLC,

Plaintiff,

v.

DOES 1-23,

Defendants.

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Civil Action No. 12-10816-JLT

ORDER

May 7, 2012

TAURO, J.

Upon consideration of Plaintiff's Emergency Ex-Parte Motion for Early Discovery [#3], Plaintiff's Memorandum in Support of Plaintiff's Emergency Ex-Parte Motion for Early Discovery [#4], and the Declaration of Jon Nicolini [#1, ex. 2], Plaintiff's Motion is ALLOWED. This court hereby orders that:

1. Plaintiff is allowed to conduct immediate discovery on each Internet Service Provider ("ISP") listed in Exhibit A attached to the Complaint for Copyright Infringement [#1] by serving a Rule 45 subpoena ("subpoena") that seeks information sufficient to identify each Doe Defendant, including name, address (present and at the time of infringement), e-mail address, Media Access Control ("MAC") address, and the ISP's terms of service applicable to each Defendant.
2. Plaintiff may also serve a subpoena upon any intermediary ISPs that may be identified in response to a subpoena as providing Internet services to one or more of the Defendants.

3. Plaintiff shall cover any costs that the ISPs charge for researching Defendants.
4. The ISPs are authorized, pursuant to the Cable Privacy Act, 47 U.S.C. § 551(c)(2)(B), to comply with this subpoena, subject to the further conditions set forth in this Order.
5. Plaintiff shall use the information obtained by this subpoena solely for the purpose of protecting Plaintiff's rights under the Copyright Act.
6. Plaintiff shall attach a copy of this Order to each subpoenaed ISP. The subpoena shall instruct the ISPs to distribute a copy of this Order to each Defendant within seven days of service of the subpoena.
7. Plaintiff shall also attach a copy of Court-Directed Notice Regarding Issuance of Subpoena [#3, ex. 1, appx. A] to each subpoenaed ISP. The subpoena shall instruct the ISPs to distribute a copy of the court-directed notice to each Defendant within seven days of service of the subpoena.
8. The ISPs shall not respond to the subpoena until thirty days after it has sent the court-directed notice to each Defendant.
9. The ISPs shall preserve any subpoenaed information pending the resolution of any timely filed motion to quash.

IT IS SO ORDERED.

/s/ Joseph L. Tauro  
United States District Judge